



Utah Concealed Firearms Instructor Newsletter

April, 2011

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NEW Concealed Firearm and Instructor Related Laws

IMPORTANT UPDATES

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- 2 Explanation of New Laws and Administrative Policies
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On May 10, 2011 several new laws will go into effect regarding concealed firearm permits, fees and concealed firearm instructors. The corresponding bills include: 1st Substitute S.B. 36, H.B. 214 and 1st Substitute H.B. 257.

One major change in the new law is regarding some non-resident applicants for the Utah concealed firearm permit. If a non-resident applicant is from a state that either has a formal reciprocity agreement with Utah or recognizes the Utah concealed firearm permit, the applicant must hold and provide proof of a current concealed firearm or concealed weapon permit issued by the applicant's state of residency upon application for the Utah concealed firearm permit. This change will not affect those applicants who reside in a state that does not have formal reciprocity or recognition with Utah, i.e. California, New York, Kansas, etc. **Renewal applications will be under this new requirement starting January 1, 2012.**

Statistics

**Valid Utah Concealed Firearm
Permits as of March 31, 2011:
293,651**

Another change is that upon application, instructors will be required to possess a Utah concealed firearm permit.

The new legislation clarifies that instructors must complete a firearms instruction training course from the National Rifle Association (NRA), the Utah Department of Public Safety, Division of Peace Officer Standards and Training (P.O.S.T.) or their equivalent.



It also clarified that this statutory requirement is only applicable upon the initial application for a concealed firearm permit instructor and need not be maintained thereafter, i.e. National Rifle Association (NRA) Instructor Certification, Utah Department of Public Safety, Peace Officer Standards and Training (P.O.S.T.) Firearms Instructor Certification, etc.

All applications received after May 10, 2011 will be required to submit new fees and a copy of that states' concealed firearm permit or concealed weapon permit, if applicable. Regarding fees, in-state concealed firearm permit applicants will be charged \$60.00. Out of state applicants will be charged \$65.00. All renewal applications will be charged \$15.00.

It's imperative once the new laws become effective that all old applications be discarded and new applications used. Failure to submit the proper payment will result in applications being returned to the applicant.

Another change involves fingerprints. If an applicant submits fingerprints that are not accepted by the FBI or fails to provide BCI with an additional set of fingerprints, the permit may be denied, suspended or revoked.

Reminder

In order to prevent confusion and unnecessary delays to applications, make sure you provide your students with the most current concealed firearm permit application and copy of the minimum training curriculum. All forms have a revision date.

Notification of Changes

Typically BCI sends out a newsletter once a year or when major changes occur to the concealed firearm permit or instructor program. In December 2010 BCI created a link on the website titled: **Instructor Updates/Reminders**. From this point on, all changes will be posted on the website. The link was set up in order to provide detailed, up to date information regarding changes to the program and updates in law and /or reminders. This format will better assist instructors and remove the need for sending out a newsletter. Anytime an update or change is made, the change will be posted. Please review the section from time to time in order to ensure you are teaching your students the most up to date information, providing your students with the most current application, minimum training curriculum, etc. This is especially important after each legislative session.

Teaching Utah Concealed Firearm Permit Courses

When teaching Utah concealed firearm permit classes, you must teach the Utah class in its entirety. This change occurred at the beginning of 2010. Before, instructors were allowed to teach multi-states permits, and then teach a block on Utah law and other Utah pertinent material. As long as all the topics were covered within the minimum training curriculum, the class was accepted. This changed for several reasons. One being numerous applicant/permit holders complained that they left the classes confused and/or felt the Utah portion of the class was neglected or very rushed. The process also diminished the Utah permit. Meaning an individual could take permit instruction from another state, and if the applicant wanted a Utah concealed firearm permit, an additional hour or two would be added to the class. Please make sure when teaching Utah concealed firearm permit classes, you teach the Utah class from start to finish without intermixing other permits during the process.

Administrative Rules

On November 1, 2010, a new set of administrative rules went into effect. Administrative rules assist with clarifying existing state statute. A copy of the administrative rules has been linked to the **Concealed Firearm Law and Rule Reference** tab on the website. Please take time to review the new administrative rules.

Two notable portions contained within the administrative rules are outlined below.

R722-300-4(5)(b) If the applicant does not meet the qualifications set forth in Subsection 53-5-704(2)(a) because the applicant has been convicted of a crime, the bureau may find that mitigating circumstances exist if the applicant was not convicted of a registerable sex offense, as defined in Subsection 77-27-21.5(1)(n), and the following time periods have elapsed from the date the applicant was convicted or released from incarceration, parole, or probation, whichever occurred last:

- (i) five years in the case of a class A misdemeanor;
- (ii) four years in the case of a class B misdemeanor; or
- (iii) three years in the case of any other misdemeanor or infraction

R722-300-3(k) "**offense involving moral turpitude**" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States involving conduct which:

- (i) is done knowingly contrary to justice, honesty, or good morals;
- (ii) has an element of falsification or fraud; or
- (iii) contains an element of harm or injury directed to another person or another's property

Contact Information

If you have any questions or concerns, please contact Laura, the BCI Instructor Program Coordinator at (801) 957-8620 or a member of the firearms section at (801) 965-4445.